S.B.Cr.Misc. Bail App. No.4270/2007

(Smt. Manjula vs. State of Rajasthan)

Date of order : September 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Rakesh Arora, for the petitioner.

Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have carefully gone through the dying declaration of the deceased recorded by the Magistrate.

There is a specific allegation against co-accused Kidia, father-in-law of the deceased as also Prakash and Malla causing injuries to the deceased. It was co-accused Prakash, who inflicted injuries on the private parts of the deceased and thereafter when the deceased fell down, co-accused Kidia sat over him and co-accused Mallah pressed the neck of the deceased resulting in the death of deceased Mavji. The cause of death is asphyxia.

Having considered the totality of facts and circumstances

of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Manjula w/o late Shri Mavji be released on bail in FIR No.128/2007, P.S. Kalinjra, Distt. Banswara provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-